

RESOLUTION NO. 15-28,792

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING AND RESTATING THE COMPENSATION PLAN FOR UNREPRESENTED MID MANAGEMENT EMPLOYEES.

THE COUNCIL OF THE CITY OF BURBANK RESOLVES:

1. The following Compensation Plan is established for Unrepresented Managers.

A. SALARIES

Effective July 5, 2015, the salaries and salary ranges for all incumbent Unrepresented Managers shall be adjusted upward by 2% as specified in the attached Exhibit "A". Additionally the salary and salary ranges of certain Unrepresented Managers will be adjusted upward an additional 1% or 2% as also specified in the attached Exhibit "A". Total compensation may be reviewed and adjusted as necessary on a case-by-case basis by the affected employees' Department Director, after consultation with Management Services and with City Manager approval, to correct for inequities relative to market salary surveys; correct internal inequities; address recruitment and retention issues; and compensate for new and/or increased services and/or duties.

B. EMPLOYEE ANNUAL EVALUATIONS.

Each employee holding a position in classifications listed in Exhibit "A" shall be periodically evaluated, at least annually, using performance evaluation forms approved by the City Manager or their designee. Such evaluation shall be conducted and approved by the Executive of the Department in which the employee is assigned. For purposes of this Resolution, the "Executive of the Department" shall also include the City Manager, City Attorney, City Treasurer, and City Clerk. Salary increases shall only be given in conjunction with a performance evaluation. No employee shall be given more than a 10% increase in any twelve month period, unless approved by the City Manager. The provisions of Sections 2-1-701 through 2-1-705, inclusive, of the Burbank Municipal Code, shall not be applicable to employees holding positions in the classifications listed in Exhibit "A". An Executive may reduce the monthly salary of an employee in a classification listed in Exhibit "A" by up to 5% in any twelve month period on the basis of a less than satisfactory performance evaluation. Any action by an Executive of a Department with regard to an increase or decrease in salary, or refusal to grant any increase or decrease in salary, pursuant to the provisions of this Resolution, shall not be considered a grievable action and shall not be subject to the Grievance Procedure established in Administrative Procedure No. II-4. Any employee (except for Police Captains who are governed by the provisions of Government Code §§ 3300 -3312 (Public Safety Officers Procedural Bill of Rights)) may, within five days of receipt of their copy of a performance evaluation calling for a reduction in pay, request an informal meeting before the City Manager or their designee and present evidence as to why the reduction in pay should not occur. Testimony and cross-examination of witnesses, other than the employee, shall not be allowed at the informal meeting. The decision of the City Manager or their designee shall be final.

C. HIRING

No person shall be hired in a position in a classification listed in Exhibit "A" at a salary more than 15% above the bottom of the range without the written approval of the City Manager.

D. PROMOTION

When an employee is promoted into a position in a classification listed in Exhibit "A", the employee shall be placed at a salary at least five percent (5%) higher than the salary such employee received at such employee's previous position. At the Department Executive's discretion, an employee may be placed at a salary not to exceed ten percent (10%) higher than the salary such employee received at such employee's previous position. This advance placement may be based on performance, supervisory-subordinate salary relationship, and/or seniority. At no time shall an employee be placed below the bottom of the salary range for the position to which they were being promoted. The next salary increase consideration shall be one year from the date of promotion.

E. SPECIAL COMPENSATION FOR POLICE CAPTAINS

1. Police Captains shall receive Police Officer Standards and Training (P.O.S.T.) pay and be paid the same monthly amount paid to eligible Burbank Police Officers Association (BPOA) members. Should the City and the BPOA negotiate P.O.S.T. pay that exceeds the current amounts, the P.O.S.T. pay for the Police Captains shall be increased to be at least equal to the amount received by the eligible BPOA classifications.

2. Police Captains agree that they will use their personal cars on City business. The City agrees to indemnify the Captains when they are using their personal vehicles for City business. In certain assignments, the Chief of Police may determine that the use of a City car is occasionally required for specific duties (for example, including, but not limited to, surveillance or pursuit).

3. Police Captains shall receive shooting pay equivalent to the BPOA classifications.

4. Police Captains shall serve a probationary period of one year. The probationary period shall be regarded as part of the testing process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his or her new position, and for rejecting any probationary employee whose performance does not meet the required standards of work. When the Police Chief reasonably concludes that extension of the employee's probationary period will improve the performance of the employee he/she may recommend, in writing, that the City Manager extend the employee's probationary period for up to six (6) months in two-month increments. The City Manager shall have exclusive authority over any such extension. In the event the probationary period is extended, the affected employee shall have an opportunity to discuss the extension with the Police Chief. A probationary appointment may be terminated without cause or right of appeal at any time during the probationary period. An employee rejected during the probationary period for Police Captain, shall be reinstated to the position from which he/she was promoted, unless charges are filed and he/she is discharged as provided under the Civil Service Rules.

5. The Cafeteria/Flex benefit for Police Captains shall be increased by the difference in the amount of the premium for the City-wide disability plan and the amount of the premium for the BPOA disability plan. The Management Services Director will be responsible to calculate the difference and establish the increased amount for Police Captains.

6. Police Captains shall participate in a Voluntary Employee Beneficiary Association (VEBA) by contributing one-half of the dollar value of sick leave at the time of retirement, and 1.5% of base salary per pay period on-going. In addition, the City will also

make contributions to each active employee's individual VEBA account at the same rate that is contributed to BPOA member accounts.

7. The Cafeteria Plan benefit for Police Captains will be reduced by 1.5% of their base salary to offset the cost of the City's contribution to an individual VEBA account, in the name of the said employee.

8. Police Captains will receive \$1,000 per year uniform allowance.

9. Any Police Captain serving in the capacity of Deputy Police Chief shall receive a differential pay of \$500 per month.

F. PERS CONTRIBUTION.

1. The City of Burbank contracts with the California Public Employees' Retirement System (PERS) for a defined benefit pension plan. Each Unrepresented Manager will be enrolled as a member of PERS on the date they first become eligible. PERS classifies each member as either Classic or New.

2. The City's contracted PERS retirement formula for Miscellaneous employees who are classified as Classic members is 2.5% at age 55. Based on the Public Employees' Pension Reform Act (PEPRA) effective January 1, 2013, Miscellaneous employees who are classified as New members have a PERS retirement formula that is 2.5% at age 67.

3. Police Captains who are classified as Classic PERS members have a retirement formula that is 3% at age 50. Based on PEPRA, Police Captains who are classified as New PERS members have a retirement formula that is 2.7% at age 57.

4. Unrepresented Managers, except Police Captains, who are Classic PERS members, and who are not paying the full 8% PERS member contribution, will begin to do so effective the beginning of the pay period immediately following City Council adoption of this resolution. Police Captains who are Classic PERS members will pay the full 9% PERS member contribution effective the same date. Unrepresented Managers who are paying the full 8% PERS member contribution will continue to do so. New PERS members will continue to pay for half of the pension's normal cost as required by PEPRA, which is 6.75% for Miscellaneous employees and 12.75% for Police Captains as of the adoption of this resolution.

5. Employer Paid Member Contributions (EPMC) are defined as contributions designated as employee contributions that are paid by the City of Burbank to PERS. Effective the beginning of the pay period following City Council adoption, the City of Burbank shall no longer contribute EPMC to PERS of behalf of Unrepresented Managers.

G. UNIVERSAL LEAVE.

1. Unrepresented Managers shall only accrue Universal Leave (consolidation of sick, vacation, floating holiday, and management leave). All leave balances earned prior to becoming an Unrepresented Manager shall remain on the books under existing cash-out policies. However, employees may elect to convert their existing leave balances, up to a maximum of 500 hours, to Universal Leave within 30 days after being promoted to a classification listed in Exhibit "A". Sick leave may be part of this conversion. However, sick leave will only be converted at a 50% value after all vacation, floating holiday, and management leave balances have been exhausted.

2. Employees will accrue Universal Leave at the following rates:

0 - 5 years: 7.462 hours per pay period
 5 - 15 years: 9.000 hours per pay period
 15 +years: 10.539 hours per pay period

3. At the discretion of the Department Director, an additional 40 hours of leave may be authorized annually. On an employee's 5th and 15th anniversary date, a one-time (lump sum) leave of 40 hours is accrued. Only those employees in a paid status shall accrue this lump sum leave time. This anniversary leave time shall be prorated on an annual basis whenever an employee goes on unpaid leave status or returns from unpaid leave status.

4. Each employee shall be allowed to accrue a maximum of 1040 hours of Universal Leave at any time. If an employee's accrued balance exceeds 1040 hours, they will stop accruing until such time as their balance falls below the 1040 hours.

5. With the approval of the Department Director, employees may cash out, at 100% current value, up to 250 hours of Universal Leave at any time during the fiscal year as long as their Universal Leave balance does not fall below 250 hours at time of the cash out and they have used ten (10) days of said leave in the last twelve (12) months. The 12 month prior will be calculated using the rolling backward method.

6. Should an employee terminate their service with the City, their Universal Leave balance will have 100% cash out value and will be paid out in accordance with Section V below. Upon the death of an active employee all accrued leave shall be paid to the beneficiary at 100% cash out value. Universal Leave may be donated to an established Employee Assistance or Catastrophic Illness/Injury time bank pursuant to rules and procedures established in Administrative Procedures II-29 and 11-49.

H. HOLIDAY AND BEREAVEMENT LEAVE.

1. Holiday shall be as follows:

January 1st known as "New Years Day"
 Third Monday in January known as "Martin Luther King Jr. Day"
 Third Monday in February known as "President's Day"
 Last Monday in May known as "Memorial Day"
 July 4th known as "Independence Day"
 First Monday in September known as "Labor Day"
 November 11th known as "Veterans Day"
 Third Thursday in November known as "Thanksgiving Day"
 Friday following "Thanksgiving Day"
 December 25th known as "Christmas Day"

2. An employee shall be entitled to an absence from work in the event of the death of a member of the employee's immediate family. The City Manager may, in his or her discretion, authorize pay for all or any portion not to exceed three (3) days of such leave, provided a written request for such pay is filed. Any absence of three (3) days shall be in accordance with the existing provisions. For purpose of this Bereavement Leave policy, the term "member of the immediate family" is limited to: any relative by blood or marriage who is a member of the employee's household, spouse, registered domestic partner, children, step-children, son/daughter-in-law, parents, step-parents, father/mother-in-law, brother, sister, sister/brother-in-law, grandchildren, great grandchildren, grandparents, great grandparents,

grandparent-in-laws, or responsible guardian or person who has acted in that capacity, regardless of place of residence.

I. MILITARY LEAVE.

Until such time as the City Manager adopts an Administrative Procedure relating to salary and insurance assistance for City employees involuntarily called to active military duty in the armed forces, such Unrepresented Managers shall be compensated as provided for in this resolution.

1. An employee may be absent on military leave as authorized in §395 through 395.8 of the Military and Veterans Code of California. The employee shall furnish to the Department Executive satisfactory proof of their orders to report for duty and of their actual service pursuant to such orders. The employee shall be returned to their position thereafter as provided in the Military and Veterans Code.

2. Notwithstanding the foregoing, for the period beginning September 11, 2001, and continuing to a date as determined by the City Manager, the City of Burbank shall compensate any Unrepresented Manager who has been or is involuntarily called to active military duty the difference between the salary they would receive as an employee of the City of Burbank and that which they receive from the United States Government for their military duty. The amount of pay each such employee shall be entitled to receive shall be the difference between the gross pay and allowances actually received from the United States for such involuntary military service and the gross wages that said employee would have received from the City of Burbank had they not been involuntarily called to active military duty (subject to all necessary and appropriate deductions and withholdings). The City shall also continue to pay to the appropriate insurance companies, the City's contribution towards the premium of each employee's insurance benefit programs necessary to maintain the insurance benefit programs as determined by the City and the respective insurance companies. No payment of any wage or insurance premium provided for in this resolution shall be made by the City unless and until an employee requesting such payment provides sufficient and satisfactory documentation and proof (such as certified copies of official orders and pay records) concerning their eligibility to receive any such payments and with respect to the amount of such payments.

J. OTHER LEAVES.

Notwithstanding any other provision of this resolution, all Unrepresented Managers shall be eligible for all statutorily mandated leaves including but not limited to Maternity Leave, Family Medical Leave, California Family Rights Leave, Jury Duty, and Emergency Leave as set forth in the City's Administrative Procedures and subject to any terms and conditions as established by the City Manager.

K. CAFETERIA PLAN.

1. A Cafeteria Plan as set forth in Resolution No. 21,481, passed and adopted on the 23rd day of December, 1985, for the provision of fringe benefits for employees in classifications enumerated in Exhibit "A" is hereby continued. This Cafeteria Plan is designated for programs of health or medical insurance, disability insurance, or deferred compensation and subject to rules established by the City Manager. In addition, reimbursement for qualified benefits as provided for in 26 USCS §125 shall be allowed with an administrative fee for employees who elect the out-of-pocket medical expense reimbursement under the City's flexible benefit plan.

2. Effective November 23, 2014, each regular full-time employee enrolled in a City medical plan, or who provides proof of medical coverage other than a City medical plan, shall receive \$570.00 per month for the Cafeteria Plan. Cafeteria Plan amounts not utilized by an employee for eligible fringe benefits shall be added to their taxable earnings.

3. Effective November 23, 2014, additional City contributions towards the cost of medical premiums shall be made as follows. These additional "up to" medical allowances can only be used for PERS or PEBT medical premium that are in excess of the cafeteria amount listed above.

| PLAN OPTION | CAFETERIA | ADDITIONAL "UP TO" MEDICAL | TOTAL POTENTIAL ALLOWANCE INCLUDING CAFETERIA |
|-------------|-----------|----------------------------|---|
| One Party | \$570.00 | \$6.25 | \$576.25 |
| Two Party | \$570.00 | \$319.00 | \$889.00 |
| Family | \$570.00 | \$578.00 | \$1,148.00 |

4. Regular employees with a job assignment of 30-40 hours per week shall be entitled to the full cafeteria plan amount as defined in Section 2 above, and the full additional "up to" medical amounts as defined in Section 3 above.

5. Regular employees with a job assignment of 20 hours to less than 30 hours per week shall be entitled to half of the full cafeteria plan amount as defined in Section 2 above, and half of the additional "up to" medical amounts as defined in Section 3 above.

L. PROFESSIONAL DEVELOPMENT

The City shall pay \$43.75 per month to each regular full-time employee for Professional Development.

M. VISION AND DENTAL PLAN.

An employee vision plan shall be provided to each regular Unrepresented Manager with a job assignment of at least 30 hours per week. Dependent coverage for the vision plan is voluntary and premiums shall be paid for by the employee. Each regular Unrepresented Manager with a job assignment of at least 30 hours per week will be automatically enrolled in a dental plan, which includes dependent coverage if applicable.

N. CIVIL SERVICE STATUS AND OVERTIME.

All Unrepresented Managers, except Police Captains, shall be exempt from Civil Service. Police Captains shall be exempt from the Civil Service Rules regarding hiring and shall be subject to expediting hiring. No Unrepresented Manager shall be eligible for overtime or in-lieu time off unless approved by the City Manager.

O. BILINGUAL PAY.

A bilingual payment of \$100.00 per month shall be paid to any employee holding a position in a classification listed in Exhibit "A" who is assigned by a Department Executive to speak a second language and such employee's proficiency in the second language has been evaluated pursuant to rules and procedures established by the City Manager.

P. MINUTES DIFFERENTIAL

At the Department Executive's discretion, an employee may receive an additional five percent (5%) of their monthly salary when assigned to take the minutes at any official City Board or Commission.

Q. MANAGEMENT MERIT PLAN

The Management Merit Plan is suspended, effective July 1, 2011.

R. DISABILITY.

1. The City shall provide short term disability and long term disability insurance coverage to Unrepresented Managers.

2. For Police Captains, the City shall contribute to the BPOA disability plan.

S. EDUCATION REIMBURSEMENT PROGRAM

The Education Reimbursement Program shall reimburse seventy-five percent (75%) of eligible education cost up to a maximum amount of \$3,200 per fiscal year, per individual. The entire program will be subject to rules established by the City Manager.

T. LIFE INSURANCE.

A life insurance policy of \$50,000 will be provided to each Unrepresented Manager at no cost. In addition, an Accidental Death and Dismemberment (AD&D) insurance policy of \$52,000 will be provided through the City's insurance vendor and a City self-funded AD&D policy of \$50,000 will be provided.

U. BURBANK EMPLOYEE'S RETIREE MEDICAL TRUST (BERMT)

1. Effective August 1, 2010, the City will contribute \$50.00 per pay period on behalf each employee to the trust.

2. The City Manager or their designee is authorized to enter into the special agreements for participation of employees in the Trust as authorized by Article V.3 of the Trust Agreement.

V. RETIREE HEALTH SAVINGS (RHS)

1. All Unrepresented Managers will participate in a Retiree Health Savings Plan by contributing one-half of the dollar value of all accrued leave that is cashable at the time of retirement or separation from the City.

2. Police Captains will not contribute sick leave into a Retiree Health Savings account at the time of retirement or separation because sick leave is accounted for per the VEBA agreement that is in place for BPOA.

W. EMPLOYER 457 MATCHING CONTRIBUTION

Effective August 1, 2010, the City will match each employee contribution to the employee's 457 Deferred Compensation Account in an amount not the exceed \$75.00 per month.

X. SIGNING, RETENTION BONUS AND DIFFERENTIAL PAY

Effective August 1, 2010, the City Manager, at his or her sole discretion, has the option of providing signing or retention bonuses, up to a maximum of 5.25% of salary, for any

classification and/or individual in a position for which the City is experiencing difficulty in recruiting or retaining.

Unrepresented Managers at BWP will be eligible for a 5.25% differential by having earned either an Engineer Certification or Certification as a Project Management Professional (PMP).

2. The Financial Services Director is authorized to make such revisions, changes in summaries, fund amounts, totals, and grand totals of the Annual Budget, and other budget documents as deemed necessary or prudent to reflect and implement the programs specified in this Resolution.

3. Resolution No. 27,786 passed and adopted on the 30th day of September, 2008, is hereby repealed and Resolution No. 14-28,701 passed and adopted on August 12, 2014, is hereby repealed. It is the intent of the City Council in adopting this Resolution as an Amended and Restated Compensation Plan to incorporate the amended salaries, PERS contribution rates, and increase to the City Cafeteria Plan amounts and minor language clarifications and that all other provisions appearing herein shall continue in effect and shall not be deemed to have been repealed or readopted by this Resolution.

PASSED and ADOPTED this 1st day of September, 2015.

s/Bob Frutos

Bob Frutos
Mayor

Attest:

Approved as to Form
Office of the City Attorney

s/Zizette Mullins

Zizette Mullins, CMC, City Clerk

By: s/Amy Albano

Amy Albano
City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

I, Zizette Mullins, CMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 1st day of September, 2015, by the following vote:

AYES: Gabel-Luddy, Gordon, Rogers, Talamantes and Frutos.

NOES: None.

ABSENT: None.

s/Zizette Mullins
Zizette Mullins, CMC, City Clerk

Exhibit A
Unrepresented Mid-Managers Salaries

15-28,792

| JOB TITLES | CURRENT TOP BIWEEKLY SALARY | NEW TOP BIWEEKLY SALARY | % Incr. |
|---|--|--|--------------------|
| Administrative Analyst I | \$2,343.48 | \$2,390.35 | 2% |
| Administrative Analyst II | \$3,078.78 | \$3,140.36 | 2% |
| Administrative Officer | \$3,823.70 | \$3,900.17 | 2% |
| Administrative Officer/BWP | \$4,828.54 | \$4,925.11 | 2% |
| Applications Development Analyst III | \$3,792.49 | \$3,868.34 | 2% |
| Assistant City Attorney | \$6,007.39 | \$6,127.54 | 2% |
| Assistant City Treasurer | \$4,170.40 | \$4,337.22 | 4% |
| Assistant Community Development Director - Building Official | \$5,999.71 | \$6,119.70 | 2% |
| Assistant Community Development Director - Housing & Economic Development | \$5,488.81 | \$5,598.59 | 2% |
| Assistant Community Development Director - Transportation & Planning | \$6,094.93 | \$6,216.83 | 2% |
| Assistant Financial Services Director | \$6,014.88 | \$6,135.18 | 2% |
| Assistant General Manager BWP Customer Service & Marketing | \$6,840.42 | \$6,977.23 | 2% |
| Assistant General Manager/BWP | \$8,047.57 | \$8,208.52 | 2% |
| Assistant IT Director - Application Services | \$5,618.32 | \$5,730.69 | 2% |
| Assistant IT Director - Operations | \$5,618.32 | \$5,730.69 | 2% |
| Assistant Library Services Director | \$4,884.18 | \$4,981.86 | 2% |
| Assistant Management Services Director | \$5,240.95 | \$5,450.59 | 4% |
| Assistant Management Services Director Labor/Human Resources | \$5,240.95 | \$5,450.59 | 4% |
| Assistant Management Services Director Risk Management and Safety | \$4,614.83 | \$4,799.42 | 4% |
| Assistant Park, Recreation, and Community Services Director | \$5,679.80 | \$5,793.40 | 2% |
| Assistant Public Works Director Fleet & Building | \$5,347.30 | \$5,507.72 | 3% |
| Assistant Public Works Director Street & Sanitation | \$5,347.30 | \$5,507.72 | 3% |
| Assistant Public Works Director Traffic Engineer | \$5,842.07 | \$5,958.91 | 2% |
| Assistant Public Works Director - Waste Water Systems | \$5,842.07 | \$5,958.91 | 2% |
| Assistant to the City Manager | \$4,263.77 | \$4,349.05 | 2% |
| Budget Manager | \$4,521.89 | \$4,612.33 | 2% |
| Chief Assistant Community Development Director | \$6,475.88 | \$6,605.40 | 2% |
| Chief Assistant Public Works Director - City Engineer | \$6,372.44 | \$6,499.89 | 2% |
| Chief Financial Officer | \$7,645.19 | \$7,798.09 | 2% |
| Community Assistance Coordinator | \$3,018.81 | \$3,079.19 | 2% |
| Deputy City Attorney | \$4,701.43 | \$4,795.46 | 2% |
| Deputy City Clerk | \$3,836.16 | \$3,912.88 | 2% |
| Deputy City Manager | \$5,684.85 | \$5,798.55 | 2% |
| Deputy Director Park and Recreation/Recreation Services | \$5,011.59 | \$5,111.82 | 2% |
| Deputy Director Park and Recreation/SR. & Human Services | \$5,011.59 | \$5,111.82 | 2% |
| Deputy Director Park, Recreation, & Community Services | \$5,011.59 | \$5,111.82 | 2% |
| Deputy Financial Services Director | \$5,661.07 | \$5,774.29 | 2% |
| Emergency Management Coordinator | \$4,119.09 | \$4,201.47 | 2% |
| Executive Assistant | \$2,506.93 | \$2,607.21 | 4% |
| Fire Administrator | \$4,708.16 | \$4,802.32 | 2% |
| Human Resource Manager | \$3,880.52 | \$4,035.74 | 4% |
| Landscape & Forestry Services Superintendent | \$5,011.59 | \$5,111.82 | 2% |
| Law Office Administrator | \$2,729.06 | \$2,838.22 | 4% |
| Litigation Paralegal | \$3,830.79 | \$3,907.41 | 2% |
| Management Secretary | \$2,370.56 | \$2,465.38 | 4% |
| Police Administrator | \$5,310.92 | \$5,417.14 | 2% |
| Police Captain | \$6,996.22 | \$7,136.14 | 2% |
| Principal Civil Engineer | \$5,611.38 | \$5,723.61 | 2% |
| Public Information Officer | \$4,705.32 | \$4,799.43 | 2% |
| Records Management Coordinator | \$3,309.17 | \$3,375.35 | 2% |
| Secretary to the City Manager | \$2,902.79 | \$3,018.90 | 4% |
| Senior Administrative Analyst | \$3,576.91 | \$3,648.45 | 2% |